

Calendar No. 348

111TH CONGRESS
2D SESSION**S. 3031**

To authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2010

Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. SCHUMER, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

APRIL 15, 2010

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drug Free Commu-
5 nities Enhancement Act of 2010”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The epidemiology of drug use indicates that
4 emerging drug trends increase over a short period of
5 time and tend to cluster in discrete geographic
6 areas. Historical evidence shows that emerging local
7 drug issues and crises can be stopped or mitigated
8 before they spread to other areas, if they are identi-
9 fied quickly and addressed in a comprehensive multi-
10 sector manner.

11 (2) Federal investments in drug prevention
12 should not be solely based on national data and
13 trends, but must be flexible enough to address
14 emerging local problems and local drug crises before
15 they become national trends.

16 (3) Successful drug prevention must be based
17 on local data and involve multiple community sectors
18 in planning and implementing specifically targeted
19 strategies that respond to the unique drug problems
20 of the community.

21 (4) Data and outcomes show that effective com-
22 munity coalitions can markedly reduce local drug
23 use rates for drugs such as marijuana and inhalants
24 among school-aged youth.

25 (5) Community coalitions are singularly situ-
26 ated to deal with emerging drug issues and local

1 drug crises, such as methamphetamine, cheese (a
 2 mixture of black tar heroin and Tylenol PM), and
 3 prescription and non-prescription drug abuse be-
 4 cause the community coalitions are organized, data
 5 driven, and take a comprehensive, multi-sector ap-
 6 proach to solving and addressing locally identified
 7 drug problems.

8 (6) Providing enhancement grants to coalitions
 9 to address emerging local drug issues or local drug
 10 crises is a cost effective way to deal with these drug
 11 issues. This approach builds on existing infrastruc-
 12 tures with proven results that include all of the rel-
 13 evant community sectors needed to comprehensively
 14 address specific emerging drug issues and crises,
 15 and guards against using Federal funding to create
 16 duplicative community based infrastructures for sub-
 17 stance abuse prevention.

18 **SEC. 3. COMMUNITY-BASED COALITION ENHANCEMENT**
 19 **GRANTS TO ADDRESS EMERGING DRUG**
 20 **ISSUES OR LOCAL DRUG CRISES.**

21 (a) DEFINITIONS.—In this section—

22 (1) the term “Director” means the Director of
 23 the Office of National Drug Control Policy;

24 (2) the term “drug” means—

1 (A) a substance listed on schedule I, II,
2 III, IV, or V of section 202 of the Controlled
3 Substances Act (21 U.S.C. 812(c));

4 (B) inhalants;

5 (C) if used in a manner that is illegal, a
6 prescription or over the counter drug or medi-
7 cine; and

8 (D) another mind altering substance with
9 the potential for abuse, as determined by the
10 Director, not listed on a schedule of section
11 202(e) of the Controlled Substance Act (21
12 U.S.C. 812(e));

13 (3) the term “emerging local drug issue”
14 means, with respect to the area served by an eligible
15 entity, a sudden increase in the use or abuse of a
16 particular drug in the community, as documented by
17 local data;

18 (4) the term “local drug crisis” means, with re-
19 spect to the area served by an eligible entity, the use
20 of a specific drug in the area at levels that are sig-
21 nificantly higher than the national average, over a
22 sustained period of time, as documented by local
23 data; and

24 (5) the term “eligible entity” means an organi-
25 zation that—

1 (A) is receiving or has received a grant
2 under chapter 2 of title I of the National Nar-
3 cotics Leadership Act of 1988 (21 U.S.C. 1521
4 et seq.) (commonly known as the Drug-Free
5 Communities Act of 1997); and

6 (B) has documented, using local data—

7 (i) for an emerging local drug issue—

8 (I) rates of drug use and abuse
9 above the national average, as deter-
10 mined by the Director (including ap-
11 propriate consideration of the Moni-
12 toring of the Future Survey published
13 by the Department of Health and
14 Human Services), for comparable time
15 periods; or

16 (II) if national data is not avail-
17 able, at the discretion of the Director,
18 high rates of drug use or abuse based
19 solely on valid local data; or

20 (ii) for a local drug crisis—

21 (I) rates of use and abuse for a
22 specific drug at levels that are signifi-
23 cantly higher than the national aver-
24 age, as determined by the Director
25 (including appropriate consideration

of the Monitoring of the Future Survey published by the Department of Health and Human Services and the National Survey on Drug Use and Health by the Substance Abuse and Mental Health Service Administration); and

(II) rates of use and abuse for a specific drug that continue over a sustained period of time, as determined by the Director.

(b) ~~AUTHORIZATION OF PROGRAM.~~—The Director may make enhancement grants to eligible entities to implement comprehensive community-wide strategies that address emerging local drug issues or local drug crises within the area served by the eligible entity.

(c) ~~APPLICATION.~~—

(1) ~~IN GENERAL.~~—An eligible entity desiring an enhancement grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require.

(2) ~~CRITERIA.~~—As part of an application for a grant under this section, the Director shall require an eligible entity to submit a detailed, comprehen-

1 sive, multi-sector plan for addressing the emerging
 2 local drug issue or local drug crises within the area
 3 served by the eligible entity.

4 (d) USES OF FUNDS.—A grant under this section
 5 shall be used to—

6 (1) implement comprehensive, community-wide
 7 prevention strategies to address an emerging local
 8 drug issue or drug crises in the area served by an
 9 eligible entity, in accordance with the plan submitted
 10 under subsection (c)(2); and

11 (2) obtain specialized training and technical as-
 12 sistance from the entity receiving a grant under sec-
 13 tion 4 of Public Law 107–82 (21 U.S.C. 1521 note).

14 (e) GRANT AMOUNTS.—

15 (1) IN GENERAL.—The total amount of grant
 16 funds awarded to an eligible entity for a fiscal year
 17 may not exceed the amount of non-Federal funds
 18 raised by the eligible entity, including in-kind con-
 19 tributions, for that fiscal year.

20 (2) GRANT AWARDS.—A grant under this sec-
 21 tion shall—

22 (A) be made for a period of not more than
 23 4 years; and

24 (B) be for not more than \$75,000 per
 25 year.

1 (f) ~~SUPPLEMENT NOT SUPPLANT.~~—Grant funds pro-
 2 vided under this section shall be used to supplement, not
 3 supplant, Federal and non-Federal funds available for ear-
 4 rying out the activities described in this section.

5 (g) ~~EVALUATION.~~—A grant under this section shall
 6 be subject to the same evaluation requirements and proce-
 7 dures as the evaluation requirements and procedures im-
 8 posed on the recipient of a grant under chapter 2 of title
 9 I of the National Narcotics Leadership Act of 1988 (21
 10 U.S.C. 1521 et seq.) (commonly known as the Drug-Free
 11 Communities Act of 1997).

12 (h) ~~ADMINISTRATIVE EXPENSES.~~—Not more than 5
 13 percent of the amount appropriated to carry out this sec-
 14 tion for any fiscal year may be used by the Director for
 15 administrative expenses.

16 (i) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 17 are authorized to be appropriated \$5,000,000 for each of
 18 fiscal years 2011 through 2015 to carry out this section.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Drug Free Communities*
 21 *Enhancement Act of 2010”.*

22 **SEC. 2. FINDINGS.**

23 *Congress finds the following:*

24 (1) *The epidemiology of drug use indicates that*
 25 *emerging drug trends increase over a short period of*

1 *time and tend to cluster in discrete geographic areas.*
 2 *Historical evidence shows that emerging local drug*
 3 *issues and crises can be stopped or mitigated before*
 4 *they spread to other areas, if they are identified*
 5 *quickly and addressed in a comprehensive multi-sec-*
 6 *tor manner.*

7 *(2) Federal investments in drug prevention*
 8 *should not be solely based on national data and*
 9 *trends, but must be flexible enough to address emerg-*
 10 *ing local problems and local drug crises before they*
 11 *become national trends.*

12 *(3) Successful drug prevention must be based on*
 13 *local data and involve multiple community sectors in*
 14 *planning and implementing specifically targeted*
 15 *strategies that respond to the unique drug problems of*
 16 *the community.*

17 *(4) Data and outcomes show that effective com-*
 18 *munity coalitions can markedly reduce local drug use*
 19 *rates for drugs such as marijuana and inhalants*
 20 *among school-aged youth.*

21 *(5) Community coalitions are singularly situ-*
 22 *ated to deal with emerging drug issues and local drug*
 23 *crises, such as methamphetamine, cheese (a mixture of*
 24 *black tar heroin and Tylenol PM), and prescription*
 25 *and non-prescription drug abuse because the commu-*

1 nity coalitions are organized, data driven, and take
 2 a comprehensive, multi-sector approach to solving and
 3 addressing locally identified drug problems.

4 (6) *Providing enhancement grants to coalitions*
 5 *to address emerging local drug issues or local drug*
 6 *crises is a cost effective way to deal with these drug*
 7 *issues. This approach builds on existing infrastruc-*
 8 *tures with proven results that include all of the rel-*
 9 *evant community sectors needed to comprehensively*
 10 *address specific emerging drug issues and crises, and*
 11 *guards against using Federal funding to create dupli-*
 12 *cative community based infrastructures for substance*
 13 *abuse prevention.*

14 **SEC. 3. COMMUNITY-BASED COALITION ENHANCEMENT**
 15 **GRANTS TO ADDRESS EMERGING DRUG**
 16 **ISSUES OR LOCAL DRUG CRISES.**

17 (a) *DEFINITIONS.—In this section—*

18 (1) *the term “Director” means the Director of the*
 19 *Office of National Drug Control Policy;*

20 (2) *the term “drug” means—*

21 (A) *a substance listed on schedule I, II, III,*
 22 *IV, or V of section 202(c) of the Controlled Sub-*
 23 *stances Act (21 U.S.C. 812(c));*

24 (B) *inhalants;*

1 (C) if used in a manner that is illegal, a
 2 prescription or over the counter drug or medi-
 3 cine; and

4 (D) another mind altering substance with
 5 the potential for abuse, as determined by the Di-
 6 rector, not listed on a schedule of section 202(c)
 7 of the Controlled Substance Act (21 U.S.C.
 8 812(c));

9 (3) the term “eligible entity” means an organiza-
 10 tion that—

11 (A) is receiving or has received a grant
 12 under chapter 2 of title I of the National Nar-
 13 cotics Leadership Act of 1988 (21 U.S.C. 1521 et
 14 seq.) (commonly known as the Drug-Free Com-
 15 munities Act of 1997); and

16 (B) has documented, using local data—

17 (i) for an emerging local drug issue—

18 (I) rates of drug use and abuse
 19 above the national average, as deter-
 20 mined by the Director (including ap-
 21 propriate consideration of the Moni-
 22 toring of the Future Survey published
 23 by the Department of Health and
 24 Human Services), for comparable time
 25 periods; or

1 (II) if national data is not avail-
 2 able, at the discretion of the Director,
 3 high rates of drug use or abuse based
 4 solely on valid local data; or
 5 (ii) for a local drug crisis—

6 (I) rates of use and abuse for a
 7 specific drug at levels that are signifi-
 8 cantly higher than the national aver-
 9 age, as determined by the Director (in-
 10 cluding appropriate consideration of
 11 the Monitoring of the Future Survey
 12 published by the Department of Health
 13 and Human Services and the National
 14 Survey on Drug Use and Health by the
 15 Substance Abuse and Mental Health
 16 Service Administration); and

17 (II) rates of use and abuse for a
 18 specific drug that continue over a sus-
 19 tained period of time, as determined by
 20 the Director;

21 (4) the term “emerging local drug issue” means,
 22 with respect to the area served by an eligible entity,
 23 a sudden increase in the use or abuse of a particular
 24 drug in the community, as documented by local data;
 25 and

1 (5) *the term “local drug crisis” means, with re-*
2 *spect to the area served by an eligible entity, the use*
3 *of a specific drug in the area at levels that are sig-*
4 *nificantly higher than the national average, over a*
5 *sustained period of time, as documented by local*
6 *data.*

7 (b) *AUTHORIZATION OF PROGRAM.—The Director may*
8 *make enhancement grants to eligible entities to implement*
9 *comprehensive community-wide strategies that address*
10 *emerging local drug issues or local drug crises within the*
11 *area served by the eligible entity.*

12 (c) *APPLICATION.—*

13 (1) *IN GENERAL.—An eligible entity desiring an*
14 *enhancement grant under this section shall submit an*
15 *application to the Director at such time, in such*
16 *manner, and accompanied by such information as the*
17 *Director may require.*

18 (2) *CRITERIA.—As part of an application for a*
19 *grant under this section, the Director shall require an*
20 *eligible entity to submit a detailed, comprehensive,*
21 *multi-sector plan for addressing the emerging local*
22 *drug issue or local drug crisis within the area served*
23 *by the eligible entity.*

1 (3) *DISCLOSURE OF OTHER FUNDING.*—An ap-
 2 plication for a grant under this section shall dis-
 3 close—

4 (A) *the amount of Federal funds and non-*
 5 *Federal funds received by the eligible entity for*
 6 *a purpose described in this section during the 1-*
 7 *year period ending on the date of the applica-*
 8 *tion; and*

9 (B) *any Federal grant or non-Federal grant*
 10 *for a purpose described in this section for which*
 11 *the eligible entity has an application pending.*

12 (d) *USES OF FUNDS.*—A grant under this section shall
 13 be used to—

14 (1) *implement comprehensive, community-wide*
 15 *prevention strategies to address an emerging local*
 16 *drug issue or drug crisis in the area served by an eli-*
 17 *gible entity, in accordance with the plan submitted*
 18 *under subsection (c)(2); and*

19 (2) *obtain specialized training and technical as-*
 20 *sistance from the entity receiving a grant under sec-*
 21 *tion 4 of Public Law 107–82 (21 U.S.C. 1521 note).*

22 (e) *GRANT AMOUNTS AND ADMINISTRATION.*—

23 (1) *FEDERAL SHARE.*—The Federal share of the
 24 cost of an activity carried out using a grant under
 25 this section shall be not more than 50 percent.

1 (2) *GRANT AWARDS.*—*A grant under this section*
 2 *shall—*

3 *(A) be made for a period of not more than*
 4 *4 years; and*

5 *(B) be for not more than \$75,000 per year.*

6 (3) *RESCINDING OF GRANTS.*—*If the Director de-*
 7 *termines at any time during the period of a grant*
 8 *under this section that an eligible entity has inten-*
 9 *tionally used the grant in violation of the purposes,*
 10 *uses, or requirements under this section or otherwise*
 11 *wasted, committed fraud relating to, or abused funds*
 12 *received under the grant, the Director shall rescind*
 13 *the grant.*

14 (f) *SUPPLEMENT NOT SUPPLANT.*—*Grant funds pro-*
 15 *vided under this section shall be used to supplement, not*
 16 *supplant, Federal and non-Federal funds available for car-*
 17 *rying out the activities described in this section.*

18 (g) *REPORTING.*—

19 (1) *DIRECTOR'S REPORT TO CONGRESS.*—*Not*
 20 *later than December 31 of each calendar year in*
 21 *which a grant is made under this section, the Direc-*
 22 *tor shall submit to the Committee on the Judiciary of*
 23 *the Senate and the Committee on the Judiciary of the*
 24 *House of Representatives a comprehensive annual re-*
 25 *port that, for the calendar year—*

1 (A) provides the name and location of, and
 2 amount of the grant made to, each eligible entity
 3 that receives a grant under this section;

4 (B) details how each eligible entity used
 5 funds from a grant under this section and
 6 whether the use of funds complies with this sec-
 7 tion;

8 (C) incorporates, reviews, and evaluates the
 9 reports required to be submitted by eligible enti-
 10 ties under paragraph (2); and

11 (D) reviews the internal controls used by the
 12 Director to prevent waste, fraud, and abuse of
 13 funds by eligible entities and any Federal em-
 14 ployee in any office of the Office of National
 15 Drug Control Policy that administers grants
 16 made under this section.

17 (2) *ELIGIBLE ENTITY REPORTS TO THE DIREC-*
 18 *TOR.*—Not later than such date of each calendar year
 19 as the Director shall establish, each eligible entity re-
 20 ceiving a grant under this section shall submit to the
 21 Director a comprehensive annual report regarding the
 22 grant that, for the calendar year—

23 (A) describes the proposed multi-sector plan
 24 for addressing the emerging local drug issue or
 25 local drug crisis required under subsection (c)(2);

1 (B) provides the amount of each grant re-
2 ceived by the eligible entity under this section;

3 (C) details how the eligible entity has used
4 the grant under this section to accomplish the
5 goals of the plan described in subparagraph (A);

6 (D) provides the amount of non-Federal
7 funds used in accordance with subsections (e)
8 and (f);

9 (E) discloses—

10 (i) the amount of Federal funds and
11 non-Federal funds received by the eligible
12 entity for a purpose described in this sec-
13 tion during the calendar year; and

14 (ii) any Federal grant or non-Federal
15 grant for a purpose described in this section
16 for which the eligible entity submitted an
17 application during the calendar year; and

18 (F) provides any other information the Di-
19 rector may require.

20 (3) NO DUPLICATION OF REPORTING.—This sub-
21 section shall not require an eligible entity to duplicate
22 any reporting required under chapter 2 of title I of
23 the National Narcotics Leadership Act of 1988 (21
24 U.S.C. 1521 et seq.) (commonly known as the Drug-
25 Free Communities Act of 1997).

1 (h) *AUDITING.*—

2 (1) *IN GENERAL.*—*Beginning in fiscal year*
 3 *2011, and each fiscal year thereafter, the Comptroller*
 4 *General of the United States shall conduct an audit*
 5 *of not less than 10 percent of the eligible entities re-*
 6 *ceiving a grant under this section during the fiscal*
 7 *year to prevent waste, fraud, and abuse of funds by*
 8 *eligible entities.*

9 (2) *MANDATORY EXCLUSION.*—*An eligible entity*
 10 *receiving a grant under this section that has an unre-*
 11 *solved audit finding under an audit under paragraph*
 12 *(1) shall not be eligible to receive funds under a grant*
 13 *under this section for the first fiscal year beginning*
 14 *after the date of the completion of the audit.*

15 (i) *ADMINISTRATION.*—

16 (1) *CONTRACTING.*—*The Director may employ*
 17 *any necessary staff and may enter into contracts or*
 18 *agreements with national drug control agencies, in-*
 19 *cluding interagency agreements to delegate authority*
 20 *for the execution of grants and for such other activi-*
 21 *ties necessary to carry out this section.*

22 (2) *ADMINISTRATIVE EXPENSES.*—

23 (A) *LIMITATION.*—*The Director may use*
 24 *not more than 3 percent of the amount appro-*
 25 *priated to carry out this section for administra-*

1 *tive costs associated with the responsibilities of*
2 *the Director under this section.*

3 *(B) OTHER AGENCIES.—An agency entering*
4 *into a contract or agreement to carry out the*
5 *grant program under this section may use not*
6 *more than 5 percent of the amount appropriated*
7 *to carry out this section for administrative costs*
8 *associated with carrying out the program.*

9 *(j) AUTHORIZATION OF APPROPRIATIONS.—There are*
10 *authorized to be appropriated \$5,000,000 for each of fiscal*
11 *years 2011 through 2015 to carry out this section.*

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A BILL

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